

**GROUND AMBULANCE INTERFACILITY TRANSPORT
LICENSING**

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends the Utah Emergency Medical Services System Act.

Highlighted Provisions:

This bill:

- defines terms;
- requires an applicant for ground ambulance or paramedic services to meet certain requirements with respect to a geographic service area; and
- repeals obsolete language regarding a transition to eliminate inconsistent licenses.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-8a-102, as last amended by Laws of Utah 2021, Chapters 208, 237, and 265

26-8a-404, as last amended by Laws of Utah 2019, Chapter 390

26-8a-416, as enacted by Laws of Utah 1999, Chapter 141

Be it enacted by the Legislature of the state of Utah:



Section 1. Section **26-8a-102** is amended to read:

26-8a-102. Definitions.

As used in this chapter:

(1) (a) "911 ambulance or paramedic services" means:

(i) either:

(A) 911 ambulance service;

(B) 911 paramedic service; or

(C) both 911 ambulance and paramedic service; and

(ii) a response to a 911 call received by a designated dispatch center that receives 911 or E911 calls.

(b) "911 ambulance or paramedic services" does not mean a seven or ten digit telephone call received directly by an ambulance provider licensed under this chapter.

(2) "Ambulance" means a ground, air, or water vehicle that:

(a) transports patients and is used to provide emergency medical services; and

(b) is required to obtain a permit under Section [26-8a-304](#) to operate in the state.

(3) "Ambulance provider" means an emergency medical service provider that:

(a) transports and provides emergency medical care to patients; and

(b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

(4) (a) "Behavioral emergency services" means delivering a behavioral health intervention to a patient in an emergency context within a scope and in accordance with guidelines established by the department.

(b) "Behavioral emergency services" does not include engaging in the:

(i) practice of mental health therapy as defined in Section [58-60-102](#);

(ii) practice of psychology as defined in Section [58-61-102](#);

(iii) practice of clinical social work as defined in Section [58-60-202](#);

(iv) practice of certified social work as defined in Section [58-60-202](#);

(v) practice of marriage and family therapy as defined in Section [58-60-302](#); or

(vi) practice of clinical mental health counseling as defined in Section [58-60-402](#); and

(vii) practice as a substance use disorder counselor as defined in Section [58-60-502](#).

(5) "Committee" means the State Emergency Medical Services Committee created by Section [26-1-7](#).

(6) "Direct medical observation" means in-person observation of a patient by a physician, registered nurse, physician's assistant, or individual licensed under Section 26-8a-302.

(7) "Emergency medical condition" means:

(a) a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

(i) placing the individual's health in serious jeopardy;

(ii) serious impairment to bodily functions; or

(iii) serious dysfunction of any bodily organ or part; or

(b) a medical condition that in the opinion of a physician or the physician's designee requires direct medical observation during transport or may require the intervention of an individual licensed under Section 26-8a-302 during transport.

(8) (a) "Emergency medical service personnel" means an individual who provides emergency medical services or behavioral emergency services to a patient and is required to be licensed or certified under Section 26-8a-302.

(b) "Emergency medical service personnel" includes a paramedic, medical director of a licensed emergency medical service provider, emergency medical service instructor, behavioral emergency services technician, other categories established by the committee, and a certified emergency medical dispatcher.

(9) "Emergency medical service providers" means:

(a) licensed ambulance providers and paramedic providers;

(b) a facility or provider that is required to be designated under Subsection 26-8a-303(1)(a); and

(c) emergency medical service personnel.

(10) "Emergency medical services" means:

(a) medical services;

(b) transportation services;

(c) behavioral emergency services; or

(d) any combination of the services described in Subsections (10)(a) through (c).

(11) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

(a) maintained and used for the transportation of emergency medical personnel, equipment, and supplies to the scene of a medical emergency; and

(b) required to be permitted under Section 26-8a-304.

(12) "Governing body":

(a) means the same as that term is defined in Section 11-42-102; and

(b) for purposes of a "special service district" under Section 11-42-102, means a special service district that has been delegated the authority to select a provider under this chapter by the special service district's legislative body or administrative control board.

(13) "Interested party" means:

(a) a licensed or designated emergency medical services provider that provides emergency medical services within or in an area that abuts an exclusive geographic service area that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic Providers;

(b) any municipality, county, or fire district that lies within or abuts a geographic service area that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic Providers; or

(c) the department when acting in the interest of the public.

(14) "Level of service" means the level at which an ambulance provider type of service is licensed as:

(a) emergency medical technician;

(b) advanced emergency medical technician; or

(c) paramedic.

~~[(14)]~~ (15) "Medical control" means a person who provides medical supervision to an emergency medical service provider.

~~[(15)]~~ (16) "Non-911 service" means transport of a patient that is not 911 transport under Subsection (1).

~~[(16)]~~ (17) "Nonemergency secured behavioral health transport" means an entity that:

(a) provides nonemergency secure transportation services for an individual who:

(i) is not required to be transported by an ambulance under Section 26-8a-305; and

(ii) requires behavioral health observation during transport between any of the following facilities:

- 121 (A) a licensed acute care hospital;
122 (B) an emergency patient receiving facility;
123 (C) a licensed mental health facility; and
124 (D) the office of a licensed health care provider; and
125 (b) is required to be designated under Section 26-8a-303.

126 ~~[(17)]~~ (18) "Paramedic provider" means an entity that:

- 127 (a) employs emergency medical service personnel; and
128 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

129 ~~[(18)]~~ (19) "Patient" means an individual who, as the result of illness, injury, or a
130 behavioral emergency condition, meets any of the criteria in Section 26-8a-305.

131 ~~[(19)]~~ (20) "Political subdivision" means:

- 132 (a) a city, town, or metro township;
133 (b) a county;
134 (c) a special service district created under Title 17D, Chapter 1, Special Service

135 District Act, for the purpose of providing fire protection services under Subsection
136 17D-1-201(9);

137 (d) a local district created under Title 17B, Limited Purpose Local Government Entities
138 - Local Districts, for the purpose of providing fire protection, paramedic, and emergency
139 services;

140 (e) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii); or

141 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

142 ~~[(20)]~~ (21) "Trauma" means an injury requiring immediate medical or surgical
143 intervention.

144 ~~[(21)]~~ (22) "Trauma system" means a single, statewide system that:

145 (a) organizes and coordinates the delivery of trauma care within defined geographic
146 areas from the time of injury through transport and rehabilitative care; and

147 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
148 delivering care for trauma patients, regardless of severity.

149 ~~[(22)]~~ (23) "Triage" means the sorting of patients in terms of disposition, destination,
150 or priority. For prehospital trauma victims, triage requires a determination of injury severity to
151 assess the appropriate level of care according to established patient care protocols.

152 ~~[(23)]~~ (24) "Triage, treatment, transportation, and transfer guidelines" means written
153 procedures that:

- 154 (a) direct the care of patients; and
155 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
156 center, or an emergency medical service provider.

157 (25) "Type of service" means the category at which an ambulance provider is licensed
158 as:

- 159 (a) ground ambulance transport;
160 (b) ground ambulance interfacility transport; or
161 (c) both ground ambulance transport and ground ambulance interfacility transport.

162 Section 2. Section **26-8a-404** is amended to read:

163 **26-8a-404. Ground ambulance and paramedic licenses -- Application and**
164 **department review.**

165 (1) Except as provided in Section **26-8a-413**, an applicant for a ground ambulance or
166 paramedic license shall apply to the department for a license only by:

- 167 (a) submitting a completed application;
168 (b) providing information in the format required by the department; and
169 (c) paying the required fees, including the cost of the hearing officer.

170 (2) The department shall make rules establishing minimum qualifications and
171 requirements for:

- 172 (a) personnel;
173 (b) capital reserves;
174 (c) equipment;
175 (d) a business plan;
176 (e) operational procedures;
177 (f) medical direction agreements;
178 (g) management and control; and
179 (h) other matters that may be relevant to an applicant's ability to provide ground

180 ambulance or paramedic service.

181 (3) An application for a license to provide ground ambulance service or paramedic
182 service shall be for all ground ambulance services or paramedic services arising within the

geographic service area, except that an applicant may apply for a license for less than all ground ambulance services or all paramedic services arising within an exclusive geographic area if it can demonstrate how the remainder of that area will be served.

(4) (a) A ground ambulance service licensee may apply to the department for a license to provide a higher level of service as defined by department rule if the application includes:

(i) a copy of the new treatment protocols for the higher level of service approved by the off-line medical director;

(ii) an assessment of field performance by the applicant's off-line director; and

(iii) an updated plan of operation demonstrating the ability of the applicant to provide the higher level of service.

(b) If the department determines that the applicant has demonstrated the ability to provide the higher level of service in accordance with Subsection (4)(a), the department shall issue a revised license reflecting the higher level of service and the requirements of Section 26-8a-408 do not apply.

(c) A revised license issued under Subsection (4)(b):

(i) may only affect the level of service that the licensee may provide; and

(ii) may not affect any other terms, conditions, or limitations of the original license[; ~~and~~].

~~[(iii) may not impact the rights of other licensees.]~~

(5) Upon receiving a completed application and the required fees, the department shall review the application and determine whether the application meets the minimum qualifications and requirements for licensure.

(6) The department may deny an application if it finds that it contains any materially false or misleading information, is incomplete, or if the application demonstrates that the applicant fails to meet the minimum qualifications and requirements for licensure under Subsection (2).

(7) If the department denies an application, it shall notify the applicant in writing setting forth the grounds for the denial. A denial may be appealed under Title 63G, Chapter 4, Administrative Procedures Act.

Section 3. Section 26-8a-416 is amended to read:

26-8a-416. Overlapping licenses.

214 ~~[(1) By May 30, 2000, the department shall review all licenses in effect on October 2,~~
215 ~~1999, to identify overlap, as defined in department rule, in the service areas of two or more~~
216 ~~licensed providers.]~~

217 ~~[(2) By June 30, 2000, the department shall notify all licensed providers affected by an~~
218 ~~overlap. By September 30, 2000, the department shall schedule, by order, a deadline to resolve~~
219 ~~each overlap, considering the effects on the licensed providers and the areas to be addressed.]~~

220 ~~[(3) For each overlap, the department shall meet with the affected licensed providers~~
221 ~~and provide 120 days for a negotiated resolution, consistent with the criteria in Section~~
222 ~~26-8a-408.]~~

223 ~~[(4) (a) If a resolution is reached under Subsection (2) that the department finds~~
224 ~~satisfies the criteria in Section 26-8a-408, the department shall amend the licenses to reflect the~~
225 ~~resolution consistent with Subsection (6).]~~

226 ~~[(b) If a resolution is not reached under Subsection (2), the department or any of the~~
227 ~~licensed providers involved in the matter may request the commencement of a formal~~
228 ~~adjudicative proceeding to resolve the overlap.]~~

229 ~~[(5) The department shall commence adjudicative proceedings for any overlap that is~~
230 ~~not resolved by July 1, 2003.]~~

231 (1) As used in this section, "overlap" means two ground ambulance interfacility
232 transport providers that are licensed at the same level of service in all or part of a single
233 geographic service area.

234 ~~[(6)]~~ (2) Notwithstanding the exclusive geographic service requirement of Section
235 26-8a-402, the department [may amend one or more licenses after a resolution is reached or an
236 adjudicative proceeding has been held to allow:] shall recognize overlap ground ambulance
237 interfacility transport licenses that existed on or before May 4, 2022.

238 ~~[(a) a single licensed provider to serve all or part of the overlap area;]~~

239 ~~[(b) more than one licensed provider to serve the overlap area;]~~

240 ~~[(c) licensed providers to provide different types of service in the overlap area; or]~~

241 ~~[(d) licenses that recognize service arrangements that existed on September 30, 1999.]~~

242 (3) The department may, without an adjudicative proceeding, amend an existing ground
243 ambulance interfacility transport license that creates a new overlap if the existing ground
244 ambulance interfacility transport provider meets the requirements described in Subsection

245 [26-8a-404\(4\)](#).

246 ~~[(7)]~~ (4) Notwithstanding Subsection ~~[(6)]~~ (2), any license for an overlap area
247 terminates upon:

248 (a) relinquishment by the provider; or

249 (b) revocation by the department.